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**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE:       **Paramount Farms-Kings Facility Water System**  
                  Water System No. 1503275

TO:           Mr. David Szefflin, Vice President of Operations  
                  Paramount Farms  
                  13646 Highway 33  
                  Lost Hills, CA 93249

**BY REGISTERED MAIL**

**CITATION FOR NONCOMPLIANCE -- Water System No. 1503275  
TOTAL COLIFORM MCL VIOLATION – October 2012  
Citation No. 03-19-13C-028**

**Issued on May 28, 2013**

**STATEMENT OF FACTS**

Paramount Farms-Kings Facility Water System (hereinafter Water System) is classified as a nontransient noncommunity water system and serves a population of approximately one hundred twenty eight (128) persons through one (1) service connection. The Water System has a surface water treatment (SWT) plant, identified as Lost Hills SWT Plant (PS Code: 1503275-003) and two (2) 20,000-gallon storage tanks. Raw water is delivered from the California Aqueduct (via Lost Hills canal) by the Berrenda Mesa Water Storage District. The treatment consists of coagulation, clarification, filtration, carbon adsorption, post chlorination, and clearwell stroage for inactivation of giardia and virus. The Water System operates under the authority of a domestic water supply permit No. 03-19-12P-008, issued on August 3, 2012, by the California Department of Public Health.

1 The Southern California Drinking Water Field Operations Branch, Division of  
2 Drinking Water and Environmental Management, California Department of Public  
3 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking  
4 Water Act and regulations promulgated pursuant thereto.

- 5
- 6 • The Water System is required to collect one (1) routine bacteriological sample  
7 per month. Please refer to the Water System's approved Bacteriological  
8 Sample Siting Plan (BSSP) or Table 64423-A.
- 9 • One (1) routine bacteriological quality sample collected on October 23, 2012,  
10 from the distribution system, tested positive for total coliform bacteria.
- 11 • One (1) out of the four (4) repeat bacteriological samples collected October 25,  
12 2012, from the distribution system, tested positive for total coliform bacteria.
- 13 • None of the total coliform positive samples collected in October 2012, from  
14 the distribution system showed the presence of fecal coliform or *Escherichia*  
15 *coli* (*E. coli*) bacteria.
- 16 • **Paramount Farms-Kings Facility Water System failed the total coliform**  
17 **maximum contaminant level (MCL) for October 2012 [Section**  
18 **64426.1(b)(2) *Authorities*].**
- 19 • Due to the total coliform MCL violation in October 2012, the Water System  
20 was required to collect five routine samples in November 2012.
- 21 • All five (5) routine samples collected on November 15, 2012, from the  
22 distribution system, tested negative for total coliform bacteria.
- 23 • On October 26, 2012, Kathy Parker of Insight Environmental Consultants, Inc.,  
24 the Water System's contract sampler, notified the Department that the Water  
25 System failed the total coliform MCL for October 2012.
- 26
- 27

- 1 • On November 6, 2012, a public notice and Proof of Notification were emailed
- 2 to the Water System, for the October 2012 total coliform MCL failure.
- 3 • On November 21, 2012, the Department received signed and dated copies of
- 4 the public notice and Proof of Notification from the Water System. According
- 5 to these documents, public notification was completed between November 16
- 6 and 19, 2012.
- 7 • On November 6, 2012, an investigation report was emailed to the Water
- 8 System, for the October 2012 total coliform MCL failure.
- 9 • On November 21, 2012, the Department received a completed copy of the
- 10 investigation report. The investigation report was completed by Kathy Parker
- 11 of Insight Environmental Consultants, Inc., on behalf of the Water System.
- 12 • The investigation report indicates the possible cause of contamination was a
- 13 broken water main that allowed soil to enter the distribution system. The
- 14 Water System repaired the broken pipe and provided emergency disinfection
- 15 and flushing to clear bacteriological contamination the distribution system.
- 16 The Water System also repaired the faucets that were difficult to flush
- 17 properly. The Water System also made modifications to the notification
- 18 process in-between the maintenance personnel and operator in responsible
- 19 charge, to help ensure proper follow-up procedures on the Water System
- 20 maintenance and repairs.
- 21 • All monthly distribution samples collected from December 2012 to April 2013
- 22 have tested negative for total coliform bacteria.
- 23 • Results of all bacteriological samples (raw water source and distribution
- 24 system) collected from January 2012 to April 2013 are summarized in
- 25 **Attachment A.**
- 26
- 27

## AUTHORITIES

**Section 116577 of the CHSC**, states in relevant part:

"(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section."

**Section 116650 of the California Health and Safety Code (hereinafter CHSC)**, states in relevant part:

"(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

**Section 116655 of the CHSC**, states in relevant part:

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed.”

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

“(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.”

Based upon the above Statement of Facts and Authorities, the Department determines that the Water System has violated the following:

- The above violation is classified as a non-continuing violation.

Paramount Farms-Kings Facility is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Section 64426.1 (b)(2) of Title 22, California Code of Regulations.
2. Results for the monthly raw water source samples shall be reported in MPN/100 mL.
3. The Water System shall reimburse the Department, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the Department) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).

**FURTHER ENFORCEMENT ACTIONS**

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

**PARTIES BOUND**

This citation shall apply to and be binding upon Paramount Farms-Kings Facility Water System, its officers, directors, agents, employees, contractors, successors, and assignees.

**SEVERABILITY**

The directives of this citation are severable, and Paramount Farms-Kings Facility Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTY**

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred

1 dollars) for each day that the violation continues beyond the date set for correction in  
2 this Citation.

3  
4 The Department does not waive any further enforcement action by issuance of this  
5 citation, and expressly reserves the right to issue a citation with penalties for the  
6 violations on which the Directives of this citation are based.

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8  
9 May 28, 2013  
10 Date

Jaswinder S. Dhaliwal  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Tehachapi District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

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12  
13 **Attachment**

14 Attachment A: Bacteriological Summary January 2012 through April 2013

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16 cc: Kern County Environmental Health Services Department (w/o attachment)  
Kathy Parker, Insight Environmental Consultants Inc. (via email)  
17 Dan Lee, Paramount Farms  
18 Joe McGuire, Contract Operator, Westside Water (via email)

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20 JSD/mlm  
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## **ATTACHMENT A**

# ***Paramount Farms - King Facility***

**1503275**

*Distribution System Freq: 1/M*

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coll</i>	<i>E Coll</i>	<i>F Coll</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/10/2012	10:20	K -1 WQ Lab SF	A	A		Routine	2.3		
2/21/2012	11:30	K-B Bldg 7 Kitchen	A	A		Routine	1.4		
3/6/2012	12:34	PHS-10 Scale Hou	A	A		Routine	2.4		
3/20/2012	12:25	K-C Scale House	A	A		Routine	1.0		
4/17/2012	11:20	K-D Bldg 3 Breakk	A	A		Routine	1.4		
5/22/2012	13:20	K-5 Bldg 7: Breakr	A	A		Routine	1.5		
6/19/2012	11:35	K-6 W.Q. Lab SF	A	A		Routine	1.5		
7/17/2012	12:00	K-1 Bldg 3: Restro	A	A		Routine	3.5		
8/21/2012	10:32	ED13: WQ Lab (S	A	A		Routine	1.1		
8/21/2012	13:01	K2: Bldg. 7 (SF)	A	A		Routine	1.8		
8/21/2012	13:29	LH26: Bldg. 47, B	A	A		Routine	1.3		
9/25/2012	13:40	L-27 P1 Breakroo	A	A		Routine			
9/25/2012	14:20	K-3: Scale House	A	A		Routine	1.0		
10/23/2012	14:10	K-1 Bldg 3: Breakr	P	A		Routine			
10/25/2012	11:00	K-2: Scale House ,	A	A		Routine			
10/25/2012	11:15	K-3: Bldg. 3, Break	A	A		Routine			
10/25/2012	11:25	K-1 Bldg 3: Restro	P	A		Routine		MCL	Citation 03-19-13C-028 Issued.
10/25/2012	11:40	K4: Bldg. 7, Breakr	A	A		Routine			
11/15/2012	10:30	K3: Scale House	A	A		Routine	2.0		
11/15/2012	10:40	K6: WQ Lab	A	A		Routine	2.6		
11/15/2012	10:50	K5: Bldg. 7 Breakr	A	A		Routine	2.0		
11/15/2012	10:58	K2: Bldg. 7 Lab	A	A		Routine	2.0		
11/15/2012	11:10	K4: Bldg. 3 Breakr	A	A		Routine	2.0		
11/15/2012	11:20	K1: Bldg. 3 Restro	A	A		Routine	2.0		
11/20/2012	12:08	K1: Bldg 7	A	A		Routine	2.5		
12/18/2012	12:18	K1: WQ Lab	A	A		Routine	2.0		
1/22/2013	10:10	K6: LOQ Lab	A	A		Routine	2.3		
1/22/2013	10:25	K5: Bldg. 7 Breakr	A	A		Routine	2.3		
1/22/2013	10:35	K2: Bldg. 7 Lab	A	A		Routine	2.3		
1/22/2013	10:45	K3: Scale House	A	A		Routine	2.3		
1/22/2013	10:55	K4: Lbdg. 3 Breakr	A	A		Routine	2.0		
1/22/2013	11:00	K1: Bldg. 3 Restro	A	A		Routine			
1/24/2013	12:10	K1: Bldg. 3 Restro	A	A		Routine	1.8		
2/19/2013	11:55	K1: Bldg. 7, Lab	A	A		Routine	1.2		
3/19/2013	10:30	K1: Scale House	A	A		Routine	1.3		
4/23/2013	13:00	k3: Bldg. 3, Breakr	A	A		Routine	0.2		

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## ***Paramount Farms - King Facility***

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***1503275***

***Source Monitoring Freq: 1/M***

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<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
1/17/2012	12:17	K-1: Supply Pipe	P	P			HPC = 160 CFU/100
2/14/2012	11:45	K-1: Supply Pipe	P	P			HPC = 110 CFU/100
3/13/2012	12:35	K-1: Supply Pipe	p	P			HPC = 93 CFU/100 m
4/10/2012	14:05	K-1: Supply Pipe	P	P			HPC = 51 CFU/100 m
5/15/2012	12:15	K-1: Supply Pipe	P	P			HPC = 260 CFU/100
6/12/2012	10:15	K-1: Supply Pipe	P	P			HPC = 93 CFU/100 m
7/10/2012	12:30	K-1: Supply Pipe	P	P			HPC = 210 CFU/100
8/14/2012	9:56	K-1: Supply Pipe	P	P			HPC = 490 CFU/100
9/11/2012	11:10	K-1: Supply Pipe	P	P			HPC = 300 CFU/100
10/16/2012	12:05	K-1: Supply Pipe	<1.1	<1.1			Results in MPN/100 m
11/14/2012	12:15	K-1: Supply Pipe	>23	3.6			Result in MPN/100 mL
12/11/2012	13:30	K1: Supply Pipe	>23	>23			Result in MPN/100 mL
1/15/2013	13:30	K-1: Supply Pipe	>23	23			
2/12/2013	10:25	K1: Supply Pipe	>23	1.1			Result in MPN/100 mL
3/12/2013	12:45	K-1: Supply Pipe	.23	6.9			
4/23/2013	13:20	K-1: Supply Pipe	>23	16			Results in MPN/100 m